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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,255	02/02/2004	Michael J. Jangula	JANM 101	9616
7590 03/22/2006			EXAMINER	
DEAN A. CRAINE, P.S. SUITE 140 400-112TH AVE. NE BELLEVUE, WA 98004			PRASAD, SONAL	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/770,255	<b>Applicant(s)</b> JANGULA, MICHAEL J.	
	<b>Examiner</b> Sonal Prasad	<b>Art Unit</b> 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 11,13, 14,16, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kretzschmar et al (US 5,607,403) in view of Bush, Jr. et al (US 6,936,032 B1.) Kretzschmar et al discloses a syringe needle de-capping and re-capping device, comprising a.) a cylindrical shaped body with longitudinally aligned cavity formed therein said body including a finger gripping section (Fig. 1, #12); b.) a t-shaped finger gripping member longitudinally aligned and formed on said body capable of receiving a needle cap (Fig. 1) c.) a removable cap selectively attachable to said body, said cap including an inward extending aligned neck (Col 5, line 4); d.) a bushing longitudinally aligned and located inside said cavity, said bushing including a cylindrical shaped void area capable of receiving said neck on said removable cap, said bushing

Art Unit: 3767

includes a stop surface formed inside said void area (Col 5, lines 28-30). The claim differs in disclosing the spring nut. Bush, Jr. et al discloses e.) a spring nut located inside said void area of said bushing, said spring nut including a center bore that engages the tip of a needle cap with inserted therein (Figs. 2-4). It would have been obvious at the time of invention to one of ordinary skill in the art to include the spring nut disclosed in Kretzschmar et al as taught by Bush, Jr. et al as described to improve the efficiency of the device.

Kretzschmar et al discloses the syringe needle de-capping and re-capping device, wherein said finger gripping member that allows said body to be held between a user's finger so that said cavity is located above the top surface of the user's fingers. (Fig. 1)

Kretzschmar et al discloses the syringe needle de-capping and re-capping device wherein said body and said finger gripping member are longitudinally aligned so that when a user's fingers engage said finger gripping member, said cylindrical body extends upward substantially perpendicular to the top surface of the fingers used to hold said device. (Fig. 2)

Kretzschmar et al discloses the syringe needle de-capping and re-capping device wherein said body and said finger gripping member are perpendicularly aligned so that when a user's fingers engage said finger gripping member, said cylindrical body extends transversely over the top surface of the user's fingers. (Fig. 1)

Kretzschmar et al discloses the syringe needle de-capping and re-capping device, when said finger gripping member is conical. (Fig. 2)

Claims 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kretzschmar et al (US 5,607,403) in view of Zhu et al (US 5,927,351.) Claims 4-6,10,12,15,17, 19, & 20 differ from Kretzschmar et al in disclosing the radiation shielding material. Zhu et al discloses the syringe needle de-capping and re-capping device, wherein said bushing is made of radiation shielding material. (Claim 28, lines 1-4) It would have been obvious at the time of invention to one of ordinary skill in the art to include the radiation shielding material in Kretzschmar et al as taught by Zhu et al to improve the safety of the device.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kretzschmar et al (US 5,607,403) in view of Farrar et al (US 5,078,695.) The claims differ from Kretzschmar et al in disclosing the molded rubber. Farrar et al discloses the syringe needle de-capping and re-capping device wherein said body and said finger gripping member are made of molded rubber (col 2, lines 33-35), as well as the cap including external threads that selectively interconnect to attached said cap to said body( Fig. 1, #4-divisions pictured), and the neck being an adaptor removably attached to said cap. (Fig. 5) It would have been obvious at the time of invention to one of ordinary skill in the art to include molded rubber and removably attaching the adaptor

Art Unit: 3767

toe the cap disclosed in Kretzschmar et al as taught by Farrar et al to improve the efficiency of the device.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571)272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sonal Prasad  
Examiner  
Art Unit 3767

*Kevin C. Armstrong*  
3/20/06